

## REMARKS

Applicants thank the Examiner for the in-person interview held on September 4, 2002.

Claims 1-129 are pending in this application. By this amendment, claims 1, 34, 35, 38, 62, 87, 108, 119, and 127 are amended. Support for the amendments can be found at least in original claim 35. No new matter is introduced. Reconsideration and prompt allowance of the claims is respectfully requested.

### **I. Priority**

The present application is a continuation of application Serial Number 08/912,934, filed August 15, 1997, which is a continuation of application Serial Number 08/160,282, now U.S. Patent Number 5,659,350 (the "parent application"), filed December 2, 1993. The parent application incorporates by reference application Serial Number 08/160,193, now U.S. Patent Number 5,734,853 (the "related application"), filed December 2, 1993 (see page 40, lines 15-22 of the parent application). In addition, the present application incorporates by reference the related application on page 1, lines 20-21. The related application provides support for pages 20-28 and 52-72 of the present application on, for example, page 39, line 9 to page 50, line 24; page 12, lines 7-22; page 24, line 15 to page 25, line 4; page 26, lines 17-28; page 50, line 26 to page 52, line 23; page 54, line 15 to page 56, line 5; page 35, line 6 to page 37, line 16; page 53, line 18 to page 54, line 14; and page 69, line 18 to page 99 line 8. In addition, application Serial Number 07/991,074 filed December 9, 1992 entitled TELEVISION PROGRAM PACKAGING AND DELIVERY SYSTEM WITH MENU DRIVEN SUBSCRIBER ACCESS (the "grandparent application") provides support for Figures 19-51. For example, Figures 19a, 20b, 20c, 21b, 22b, 23b, 24b, 25b, 27, 28, 29b, 30b, 31b, 32b, 34, 35, 37, 38, 39, 42, 43, 44, 45, 46, 47, 48a, 48b, 48c, 48d, 49a, 49b, 50b, 50c, 50d, 50e, 50h, 51b, 51c, 51d, 51e, 51g, 51i, 51j, and 51k of the present application are the same as Figures 15a, 16b, 16c, 18b, 19b, 20b, 21b, 22c, 24, 25, 26b, 27b, 28b, 29b, 31, 32, 36, 37, 38, 41, 42, 43, 44, 47, 48, 49a, 49b, 49c, 49d, 50a, 50b, 51b, 51c, 51d, 51e, 51h, 53b, 53c, 53d, 53e, 53g, 53i, 53j, and 53k, respectively, of the grandparent application. Therefore, the present application complies with 35 U.S.C. 120 and 37 CFR 1.78, and priority claim of December 2, 1993 is proper. The Applicants respectfully request reconsideration of the priority of all pending claims.

### **II. 35 U.S.C. § 103 Rejections**

Claims 1, 3-6, 10-18, 20, 27-33, 38, 43-45, 51-56, 60-67, 66-67, 69-80, 83-85, 89-90, 93-100, 102-115, 119-120, 122, and 124-127 were rejected under 35 U.S.C. §103 (a) as being anticipated by U.S. Patent No. 5,477,262 to Banker et al. (hereinafter Banker) in view of Young. The Applicants respectfully traverse.

Banker is directed to a method and apparatus for providing an on-screen user-friendly interface for a subscription television terminal. Young is directed to a user interface for a television schedule system.

With respect to independent claim 1, neither Banker nor Young, individually or in combination, discloses or suggests “the menu information include menu data for interactive services and data services; transmitting the menu data for the interactive services and the data services to viewers” as recited in amended claim 1. Therefore, independent claim 1 is allowable.

Claims 3-6, 10-18, 20, and 27-33 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 1, 3-6, 10-18, 20, and 27-33 under 35 U.S.C. §103 (a).

With respect to independent claim 62, neither Banker nor Young, individually or in combination, discloses or suggests “the menu information include menu data for interactive services and data services” as recited in amended claim 62. Therefore, independent claim 62 is allowable.

Claims 63-67, 69-80, and 83-85 are allowable because they depend from allowable claim 62 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 62, 63-67, 69-80, and 83-85 under 35 U.S.C. §103 (a).

With respect to independent claim 108, neither Banker nor Young, individually or in combination, discloses or suggests “the program control information include menu information for interactive services and data services” as recited in amended claim 108. Therefore, independent claim 108 is allowable.

Claims 109-115 are allowable because they depend from allowable claim 108 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 108 and 109-115 under 35 U.S.C. §103 (a).

With respect to independent claim 119, neither Banker nor Young, individually or in combination, discloses or suggests “the program information include menu information for interactive services and data services” as recited in amended claim 119. Therefore, independent

claim 119 is allowable.

Claims 120, 122, and 124-126 are allowable because they depend from allowable claim 119 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 119, 120, 122, and 124-126 under 35 U.S.C. §103 (a).

With respect to independent claim 127, neither Banker nor Young, individually or in combination, discloses or suggests “the program information include menu information for interactive services and data services; transmitting the menu information for the interactive services and the data services to viewers” as recited in amended claim 127. Therefore, independent claim 127 is allowable.

With respect to independent claim 38, neither Banker nor Young, individually or in combination, discloses or suggests “the menu data include menu information for interactive services and data services; transmitting the menu information for the interactive services and the data services to viewers” as recited in amended claim 38. Therefore, independent claim 38 is allowable.

Claims 43-45, 51-56, and 60-61 are allowable because they depend from allowable claim 38 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 38, 43-45, 51-56, and 60-61 under 35 U.S.C. §103 (a).

Claims 7-9, 34, 40-42, 58, 62, and 86-88 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,367,330 to Haave et al (hereinafter Haave). The Applicants respectfully traverse.

Haave is directed to a method and apparatus for controlling and delivering television programming from a control station to one or more substations.

With respect to independent claim 34, none of the cited references disclose or suggest “the menu data include menu information for interactive services and data services; transmitting the menu information for the interactive services and the data services to viewers” as recited in amended claim 34. Therefore, independent claim 34 is allowable.

With respect to independent claim 62, none of the cited references disclose or suggest “wherein the menu information include menu data for interactive services and data services” as recited in amended claim 62. Therefore, independent claim 62 is allowable.

Claim 86 is allowable because it depends from allowable claim 62 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim

86 under 35 U.S.C. §103 (a).

With respect to independent claim 87, none of the cited references disclose or suggest “the menu data include menu information for interactive services and data services” as recited in amended claim 87. Therefore, independent claim 87 is allowable.

Claims 88, 89-90, 93-100, and 102-107 are allowable because they depend from allowable claim 87 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 87, 88, 89-90, 93-100, and 102-107 under 35 U.S.C. §103 (a).

Claims 7-9 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 7-9 under 35 U.S.C. §103 (a).

Claims 40-42, and 58 are allowable because they depend from allowable claim 38 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 40-42, and 58 under 35 U.S.C. §103 (a).

Claims 2, 46-51, 57, and 65 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,001,554 to Johnson et al (hereinafter Johnson). The Applicants respectfully traverse.

Claim 2 is allowable because it depends from allowable claim 1 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 2 under 35 U.S.C. §103 (a).

Claims 46-51, and 57 are allowable because they depend from allowable claim 38 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 46-51, and 57 under 35 U.S.C. §103 (a).

Claim 65 is allowable because it depends from allowable claim 62 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 65 under 35 U.S.C. §103 (a).

Claims 21-22, 24-26, 81-82, 91-92, 117-118, and 123 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 6,025,737 to Matthews, III et al (hereinafter Matthews). The Applicants respectfully traverse.

Claims 21-22, and 24-26 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of

the rejection of claims 21-22, and 24-26 under 35 U.S.C. §103 (a).

Claims 81-82 are allowable because they depend from allowable claim 62 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 81-82 under 35 U.S.C. §103 (a).

Claims 91-92 are allowable because they depend from allowable claim 87 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 91-92 under 35 U.S.C. §103 (a).

Claims 117-118 are allowable because they depend from allowable claim 108 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 117-118 under 35 U.S.C. §103 (a).

Claims 81-82 are allowable because they depend from allowable claim 62 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 81-82 under 35 U.S.C. §103 (a).

Claim 123 is allowable because it depends from allowable claim 119 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 123 under 35 U.S.C. §103 (a).

Claim 19 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,940,073 to Klosterman et al (hereinafter Klosterman). The Applicants respectfully traverse.

Claim 19 is allowable because it depends from allowable claim 1 and for the additional features it recites. Applicants therefore respectfully request withdrawal of the rejection of claim 19 under 35 U.S.C. §103 (a).

Claims 24-26 were rejected under 35 U.S.C. §103 (a) as being anticipated by Banker in view of Young and further in view of U.S. Patent 5,381,477 to Beyers, II et al (hereinafter Beyers). The Applicants respectfully traverse.

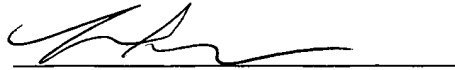
Claims 24-26 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 24-26 under 35 U.S.C. §103 (a).

In view of the above remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

The Commissioner is hereby authorized to charge or credit any deficiencies in connection with this response to deposit account No. 04-1425.

Respectfully Submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

Paragraph beginning at page 1, line 13, has been amended as follows:

The following other continuation-in-part applications, also based on the above-referenced patent application, are incorporated herein by reference:

U.S. Patent No. 5,798,785, entitled REPROGRAMMABLE TERMINAL FOR SUGGESTING PROGRAMS OFFERED ON A TELEVISION PROGRAM DELIVERY SYSTEM, [dated August 25, 1998] filed December 2, 1993;

U.S. Patent No. 5,600,364, entitled NETWORK CONTROLLER FOR CABLE TELEVISION DELIVERY SYSTEMS, [dated February 4, 1997] filed December 2, 1993;

U.S. Patent No. 5,734,853, entitled SET-TOP TERMINAL FOR CABLE TELEVISION DELIVERY SYSTEMS, [dated March 31, 1998] filed December 2, 1993;

Ser. No. 08/160,194, PCT/US93/11606, entitled ADVANCED SET-TOP TERMINAL FOR CABLE TELEVISION DELIVERY SYSTEMS, filed December 2, 1993; and

U.S. Patent No. 5,559,549, entitled DIGITAL CABLE HEADEND FOR CABLE TELEVISION DELIVERY SYSTEM, [dated September 24, 1996] filed December 2, 1993.

**IN THE CLAIMS:**

1. (Amended) A method for providing programming in a television delivery system, comprising:

packaging the programming at a television delivery center, wherein the packaging includes at least one program;

generating menu information related to the programming packaging, wherein the menu information include menu data for interactive services and data services;

transmitting the menu data for the interactive services and the data services to viewers;

providing the menu information to terminals using the television delivery system;

storing the menu information in the terminals;

displaying the menu information as programming menus, wherein a programming menu is displayed on a first portion of a display coupled to a terminal and wherein the programming

menu is displayed using a television channel;

choosing a program from the displayed programming menu;

receiving a program selection based on the program chosen from the displayed programming menu;

switching the terminal from the television channel carrying the programming menu to a television channel carrying the chosen program, wherein the switching step is completed in response to a single control function; and

displaying the chosen program on the display.

34. (Amended) A method for generating a television program menu for use by viewers in selecting programs based on program line-up information, comprising:

obtaining and storing the program line-up information for each program, the program line-up information including program name, program start time, program duration, program category and program price;

generating menu data based on the program line-up information, wherein the menu data include menu information for interactive services and data services;

transmitting the menu information for the interactive services and the data services to viewers;

creating a program control information signal using the generated menu data;

transmitting the programs to the viewers; and

transmitting the program control information signal simultaneously with the programs.

35. (Amended) The method of claim 34, wherein the program control information signal also contains information for identifying channels for the interactive services and the data services available to the viewers, the method further comprising:

collecting information on the interactive and the data services available;

inventorying the interactive and the data services to be made available to the viewer;

assigning the channels for the interactive and the data services;

determining a method of upstream transmissions for the interactive and the data services;

and

creating menu data for the interactive and the data services for transmission to the



viewers.

38. (Twice Amended) A method for selecting a program from a broadcast television system, comprising:

generating program menu data related to programming packaging, wherein the menu data include menu information for interactive services and data services;

transmitting the menu information for the interactive services and the data services to viewers;

providing the menu data to a terminal in the broadcast television system;

creating a menu from the menu data, wherein the menu includes a window;

scrolling the menu to a desired program; and

selecting the desired program for display on a display coupled to the terminal, wherein the selected program is displayed in response to a single control function.

62. (Amended) A system that provides programming selection from a menu, comprising:

a television delivery system that packages programming, wherein the programming package includes at least one program, generates menu information related to the programming, and provides the programming package and the menu information to subscribers, and wherein the menu information include menu data for interactive services and data services;

a terminal operably connected to the television delivery system, the terminal comprising:

a memory that stores the menu information;

a processor connected to the memory that processes the menu information to generate the menu, and

a control operably connected to the processor that provides program selection instructions to the processor; and

a display operably connected to the terminal that displays the menu and the programming, wherein the terminal switches to a channel carrying a program selected from the menu in response to a program selection instruction, the program selection instruction being a single control function.

87. (Amended) An apparatus that provides for television program selection from a

displayed menu, comprising:

a terminal that receives television programs and menu data related to the television programs, wherein the menu data include menu information for interactive services and data services;

a display coupled to the terminal that displays the menu data and the television programs;  
and

a control that scrolls through the menu data, cursors through the menu data, and selects a desired television program from the television programs, wherein when the desired television program is selected, the terminal switches to a channel carrying the selected television program and the display displays the selected television program.

108. (Amended) An apparatus for selecting programs, comprising:

a receiver that receives programs and program control information related to the received programs, wherein the program control information include menu information for interactive services and data services;

a memory coupled to the receiver that stores the program control information;

a processor coupled to the receiver and the memory, the processor processing the program control information to generate a program menu, the program menu stored in the memory, wherein the program menu provides a list of available programs for viewing;

a display coupled to the processor that displays the program menu and the programs; and

a control coupled to the processor, the control providing program selection signals, wherein the program selection signals select a program for viewing on the display, the program selected from the list of available programs shown on the program menu.

119. (Amended) An apparatus for selecting programs, comprising:

a receiver that receives the programs and program information related to the received programs, wherein the program information include menu information for interactive services and data services;

a display that displays a program menu based on the program information; and

a control, operable to select a program for viewing, the program selected based on the displayed program information, wherein a program available for selection includes a subscription

to a speciality channel, and wherein operation of the control starts the subscription to the speciality channel.

127. (Amended) A method for selecting programs, comprising:

receiving programs and program information related to the received programs, wherein the program information include menu information for interactive services and data services; transmitting the menu information for the interactive services and the data services to viewers;

displaying a program menu based on the program information; and

ordering a subscription to a program using a remote control, the program listed in the program menu, wherein the subscription includes a subscription to a speciality channel.